

Exhibit B

RE: Preservation, Discovery, & Sanctions Letter Dated May 18, 2020

Received: **Sunday, May 24, 2020 6:08 PM**

From: **Kaltsas, Chris (USACAN) Chris.Kaltsas2@usdoj.gov**

To: **DOJReform DOJReform@protonmail.com**

Mr. Andrade,

I am not inclined to agree to begin discovery until at least June 15, 2020. As noted previously, I am currently not working from my office, where the discovery materials you seek lie. Without access to those materials, I will not be able to respond effectively to your discovery requests.

Also, I would like to reiterate my question: are you working with counsel on this manner in any respect? If so, please let me know immediately so that I may communicate through your counsel.

Chris Kaltsas

Assistant United States Attorney

Northern District of California

From: DOJReform <DOJReform@protonmail.com>

Sent: Friday, May 22, 2020 2:20 PM

To: Kaltsas, Chris (USACAN) <CKaltsas1@usa.doj.gov>

Cc: DOJReform <DOJReform@protonmail.com>

Subject: RE: Preservation, Discovery, & Sanctions Letter Dated May 18, 2020

Dear Mr. Kaltsas,

Thank you for promptly responding to my letter on May 20, 2020.

Regarding the discovery timeline, the government should have already conducted a sufficient investigation to support the facts of the complaint. There is no reason that the pandemic would prevent the government from producing the documents and information already collected relating to this case.

I therefore propose the following schedule, following the timing guidelines in Judge Chhabria's Standing Order:

Discovery may be served starting May 26, 2020.

Last day to amend pleadings: July 31, 2020.

Discovery cutoff: November 20, 2020.

Dispositive motion hearing: around January 21, 2021, with the precise date to be determined by the Court.

Pretrial conference: around March 22, 2021, with the precise date to be determined by the Court.

Trial begins: around April 5, 2021, with the precise date to be determined by the Court.

Please respond by May 26, 2020, to let me know whether the above schedule is acceptable to you; and if not, why it is not. If the government cannot produce evidence of its factual allegations in response to my Rule 11 demand or through normal discovery channels, within 30 days of service of my discovery requests, I must conclude that the government has violated Rule 11 by filing the Complaint without an adequate investigation, and will proceed with my motion for sanctions.

Regards,

R. Marcus Andrade

Sent with [ProtonMail](#) Secure Email.

----- Original Message -----

On Wednesday, May 20, 2020 1:04 PM, Kaltsas, Chris (USACAN)
<Chris.Kaltsas2@usdoj.gov> wrote:

Good afternoon, Mr. Andrade,

I hope this email finds you well. I am writing you to confirm receipt of your answer and your letter. Please be advised that I will not contest the date your answer was filed with the court, and should the court ask any questions, I would stipulate to waive any technical error. Also, Mr. Andrade, I must ask whether you have retained an attorney or plan to in the near future, including hiring an attorney to help you draft documents and letters that you ultimately sign. If so, I will need to speak to you through your counsel.

To the extent that you have not or do not plan to hire counsel, I'm happy to respond to the inquiries in your letter. First, please be aware that I am aware of all discovery obligations on the government's part. Any concerns you have regarding potentially damaged equipment should be brought to me, and I'm happy to address those. Those obligations, of course, are reciprocal.

With respect to the discovery timeline, I am not inclined to agree to an advanced discovery schedule. The pandemic will likely prevent both of us from being able to process discovery as timely we will like, and thus, I am more amenable to proceeding under the CMC as discussed in Local Rule 16-7. That said, I am not completely dismissing the idea; a lot of that will depend on your proposed schedule. Thus, before I decide whether to support or oppose your proposed schedule, please forward it to me so I can look at it.

Finally, regarding your statements as to the factual bases in the complaint, the purpose of discovery is to provide a regulated basis upon which to provide you with the information underlying our complaint. I will not provide a complete accounting of our case or case strategy as that falls under the ambit of various privileges. The factual basis for our case will become clear as you request discovery under a judicially approved schedule and as it is disseminated.

Thank you,

Chris Kaltsas

Assistant United States Attorney

Northern District of California

From: DOJReform <DOJReform@protonmail.com>

Sent: Monday, May 18, 2020 6:59 PM

To: Kaltsas, Chris (USACAN) <CKaltsas1@usa.doj.gov>

Subject: Preservation, Discovery, & Sanctions Letter Dated May 18, 2020

Mr. Kaltsas,

Please look at the attachment.

The dates are sensitive.

Respectfully Submitted,

R. Marcus Andrade, USMC

Service Disabled Veteran

Sent with [ProtonMail](#) Secure Email.